

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MARIO QUINTANILLA, #03470071

Plaintiff,

v.

**CAPTAIN MARTIN GONZALES,
SHERIFF DAVID SOWARD, AND
OFFICER AMANDA FAZ,**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

5:20-CV-00563-DAE

JURY DEMANDED

DECLARATION OF CAPTAIN MIKE BENAVIDEZ

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. “My name is Mike Benavidez. I am over the age of eighteen (18) years, have never been convicted of a felony or crime of moral turpitude, and am competent to make this Declaration. I have personal knowledge of the facts contained herein, and those facts are true and correct.

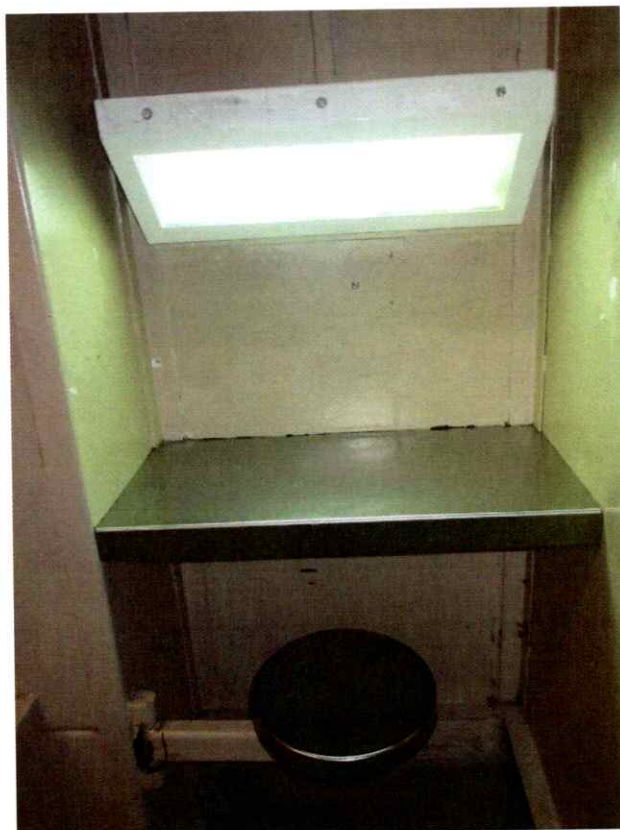
Plaintiff’s Security Level and Reclassification Records

2. I am Jail Administrator for the Atascosa County Jail (“ACJ”), and a custodian records for the ACJ. Exhibit A to this affidavit consists of Security and Reclassification Records for Plaintiff. They are all true and correct copies and exact duplicates of records maintained by the ACJ in the ordinary course of business. It was in the regular course of business for an employee or representative of the ACJ, with knowledge of the act, event, condition or opinion recorded, to make the records or to transmit the information thereof to be included in such records, and such records were made at or near the time of the event or events recorded, or reasonably soon thereafter.
3. In my capacity as Jail Administrator for the ACJ, I am responsible for and am familiar with the ACJ’s security level assessment/reassessment and classification/reclassification procedures and the forms shown in Exhibit A. I am also familiar with Dayrooms 1 and 4, referred to in the records as “Day 1” and “Day 4.” These are solitary confinement or “lockdown” cells.
4. From my experience, I can explain what is shown in Exhibit A: Plaintiff was placed in a solitary cell on multiple occasions because of repeated incidents and fights with his fellow inmates and jail staff:

- a. Plaintiff was initially given a “medium” security designation and classified to “Day 2,” a cell with other inmates, on November 8, 2019. Ex. A at 37-38.
 - b. On November 17, 2019, Plaintiff was given a “close custody” maximum security designation and reclassified to Day 1, a solitary cell, for fighting. *Id.* at 35-36.
 - c. Plaintiff was given a “medium assaultive-escape” security designation and released from lockdown on December 4, 2019. *Id.* at 33-34.
 - d. On January 9, 2020, Plaintiff was given a “high” maximum security designation and reclassified to a lockdown cell for “major infractions 023- conduct disrupting orderly running security of facility and refusal to obey direct order of corrections officer.” *Id.* at 31-32.
 - e. He was given a “medium assaultive-escape” security designation and reclassified to the Day 2 cell on January 29, 2020 because of his “positive attitude.” *Id.* at 27-28.
 - f. On February 3, 2020, Plaintiff was given a “close custody” maximum security designation and reclassified to Day 4, a solitary cell, for threatening another inmate in Day 2. *Id.* at 23-24.
 - g. He was given a “medium assaultive-escape” security designation and reclassified to Day 3 on March 2, 2020, to be kept from another inmate. *Id.* at 19-20.
 - h. On May 14, 2020, Plaintiff was given a “high” maximum security designation and reclassified to a lockdown cell for fighting with another inmate. *Id.* at 13-14.
 - i. On June 17, 2020, Plaintiff was given a “close custody” maximum security designation and reclassified to “classified separation.” *Id.* at 5-6.
5. Because of the incidents and fights described above, Plaintiff was in a solitary cell on the following dates: November 17-December 4, 2019; January 9-29, 2020; February 3-March 2, 2020; and May 14-June 17, 2020. *Id.* at 5-38.

Lighting

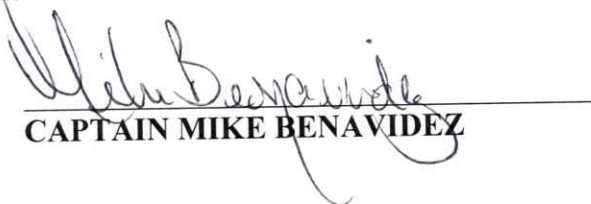
6. In my capacity as Jail Administrator for the ACJ, I am generally familiar with the maintenance of the lighting and other facility conditions in the ACJ, including the solitary cells, Day 1 and Day 4. Specifically, I am aware of the condition of the lighting conditions in Day 1 and Day 4 during the period from November 17, 2019 through June 17, 2020.
7. Each solitary cell in the high-security area is fully illuminated by (1) a desk lamp in each cell, pictured below, that is always on, (2) an overhead light that is turned off at night, and (3) light coming from outside the cells. The inspector from the Texas Commission on Jail Standards has continually approved the lighting of these cells.



Desk Lamp in Dayroom

8. The maintenance staff at the ACJ is charged with replacing lightbulbs and fixing lights as needed. When the ACJ's officers such as myself notify the maintenance staff that a bulb needs to be replaced or a light is broken, the maintenance staff replaces the bulb or repairs the light as soon as possible.
9. After a complaint by Plaintiff Quintanilla about the lighting of his cell, Captain Gonzales ordered the maintenance staff to replace the light bulb in the desk lamp to provide better lighting. The maintenance staff immediately did so.
10. Inmates in the solitary cells routinely read by the light provided by the desk lamp. I have never heard of a complaint about the lighting in the solitary cells by any inmate other than Plaintiff.
11. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of March 2021.


CAPTAIN MIKE BENAVIDEZ